STATE OF MICHIGAN

COURT OF APPEALS

RENEE STANTON and MICHAEL STANTON,

Plaintiffs-Appellants,

v

FITNESS MANAGEMENT CORPORATION,

Defendant/Third-Party Plaintiff-Appellee,

and

K & C LANDSCAPING, INC.,

Defendant-Appellee,

and

CITY TRANSFER COMPANY,

Third-Party Defendant-Appellee.

UNPUBLISHED
August 17, 2006

No. 267623
Oakland Circuit Court
LC No. 2004-061433-NO

Before: Davis, P.J., and Sawyer and Schuette, JJ.

DAVIS, J. (*dissenting*).

I dissent.

I cannot agree that wanting to keep one's employment and put food on the table is idiosyncratic.

Plaintiff in this case was not a "visitor" to these premises. She was a business invitee to whom defendant owes the highest duty within the range of premises liability law. Defendants presumably knew the condition of their property and they certainly knew plaintiff would be there and would need to enter and exit the building by the only means available. Whether or not there is liability for what occurred under applicable legal principles and the facts of the case is for a jury to decide, not a judge on a motion for summary disposition. There are issues of material fact to be decided that may under the law allow for a successful cause of action.

I would reverse.

/s/ Alton T. Davis